



PATENT
Attorney Docket 051530-5003-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: **Harald Sontheimer *et al.***

Application No. **08/980,395**

Filed: **November 28, 1997**

For: **Novel Method of Diagnosing &
Treating Gliomas**

Examiner: **Sheela Huff**

Group Art Unit: **1642**

**RESPONSE TO EX PARTE QUAYLE OFFICE ACTION
AND REQUEST FOR DRAWING CORRECTION**

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The Office Action dated March 7, 2002 indicated that the claims were in condition for allowance except for formal matters. Specifically, the Office Action indicated that there were two versions of both Figures 10 and 11 in the prosecution file at the U.S. Patent Office. Prosecution on the merits was closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11.

The Examiner's courtesy in discussing the correction of formalities with Applicants' agent on March 21, 2002 is acknowledged with appreciation. In response, Applicants submit herewith copies of the issued drawings from parent application 08/774,154 (now U.S. Patent 5,905,027) of which the present application is a divisional. Also attached to this communication is a set of formal drawings responsive to the PTO-948 issued on June 4, 1998. In light of this submission, Applicants respectfully request that the formalities objection be withdrawn.

As was also discussed in the telephone discussion on March 21, 2002, Applicants bring to the Examiner's attention that the as-filed drawings were incorrectly numbered in the as-filed application. Specifically, Figure 9 should be numbered as Figure 15 and vice versa. The attached formal drawings correct this error.

As support for the correction, Applicants note that as-filed Figure 9 contains five panels (A-F) while the legend for Figure 9 (page 9, line 23 through page 10, line 6) makes reference to only four panels (A-D). Figure 9 legend describes whole-cell voltage clamp recordings in STTG1 cells (human astrocytoma cell line). Part A refers to measurements of outflow currents at initial voltages of -120 to 120 mV; part B refers to a plot of peak currents as a function of applied voltage; part C refers to pulse experiments in which the pulsing voltage was incrementally decreased and the current measured over time; and part D refers to plotting tail current amplitudes from part C as a function of voltage. The text of this figure legend corresponds to as-filed Figure 15 based upon the content of each panel and the number of panels referenced in the text.